

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking to Develop
Additional Methods to Implement the California
Renewables Portfolio Standard Program.

Rulemaking 06-02-012
(Filed February 16, 2006)

**ADMINISTRATIVE LAW JUDGE'S RULING
SETTING SCHEDULE FOR LIMITED EVIDENTIARY HEARING**

I. Limited Evidentiary Hearing

A limited evidentiary hearing (LEH) in the above-entitled matter will be held before Administrative Law Judge (ALJ) Anne E. Simon, beginning May 15, 2006 at 9:30 a.m., in the Commission Courtroom, State Office Building, 505 Van Ness Avenue, San Francisco, California. If needed, subsequent hearing days will commence at 9:00 a.m. Questions about the LEH date, time, or place should be directed to the Calendar Clerk at (415) 703-1203. Parties desiring expedited or daily transcripts should advise the Chief Hearing Reporter by telephone at (415) 703-2288, no later than three days prior to the LEH.

The LEH will address issues related to the use of contracts of less than 10 years in duration for the purchase of electricity from eligible renewable resources for compliance with the obligations of all load serving entities (LSEs) under the renewables portfolio standard (RPS) program. The parameters of the relevant issues were outlined at the prehearing conference (PHC) on April 7, 2006.

II. Testimony

Written testimony must be served (but *not* filed with the Commission's Docket Office) not later than Thursday, May 4, 2006. Any written rebuttal testimony must be served not later than Thursday, May 11, 2006. Paper copies of all testimony must be served on the assigned ALJ and the Assigned Commissioner's office, in addition to any service by electronic mail. Parties are reminded to comply with the requirements of Rules 2.3 and 2.3.1 of the Commission's Rules of Practice and Procedure in serving their testimony.

Guidelines for the preparation of exhibits, including testimony, are set forth in Appendix A. Note that oral corrections or changes to testimony are not favored. As discussed at the PHC, testimony should clearly indicate which aspects are factual presentations and which are policy recommendations. It is anticipated that relevant testimony is unlikely to require the use of confidential information.

After written testimony has been served, parties' representatives should consult to determine the order of witnesses and the order of cross-examination. Gregory Klatt, counsel for Alliance for Retail Energy Markets, volunteered at the PHC to coordinate this process.

IT IS RULED that:

1. A limited evidentiary hearing (LEH) addressing issues related to the use of contracts of less than 10 years in duration for the purchase of electricity from eligible renewable resources for compliance with the obligations of all LSEs under the RPS program will commence May 15, 2006 at 9:30 a.m., in the Commission Courtroom, State Office Building, 505 Van Ness Avenue, San Francisco, California. If needed, subsequent hearing days will begin at 9:00 a.m.

2. Written testimony for the LEH must be served as set forth above not later than May 4, 2006.

3. Written rebuttal testimony must be served as set forth above not later than May 11, 2006.

Dated April 20, 2006, at San Francisco, California.

/s/ ANNE E. SIMON
Anne E. Simon
Administrative Law Judge

Appendix A

EXHIBITS

Service of Exhibits

Paper copies of all prepared written testimony shall be served on the Assigned Commissioner's office and on the assigned ALJ. Electronic copies shall be served on the entire service list, including information only. Do NOT file prepared written testimony with the Commission's Docket Office. (Such testimony becomes part of the record only after it is admitted into evidence.)

Identification of Exhibits in the Hearing Room

Each party sponsoring an exhibit shall, in the hearing room, provide **two copies to the ALJ and one to the court reporter**, and have at least 5 copies available for distribution to parties present in the hearing room. **The upper right hand corner of the exhibit cover sheet shall be blank for the ALJ's exhibit stamp.** Please note that this directive applies to cross-examination exhibits as well. If there is not sufficient room in the upper right hand corner for an exhibit stamp, please prepare a cover sheet for the cross-examination exhibit.

Cross-examination With Exhibits

As a general rule, if a party intends to introduce an exhibit in the course of cross-examination, the party should provide a copy of the exhibit to the witness and the witness' counsel before the witness takes the stand on the day the exhibit is to be introduced. Generally, a party is not required to give the witness an advance copy of the document if it is to be used for purposes of impeachment or to obtain the witness' spontaneous reaction. An exception might exist if parties have otherwise agreed to prior disclosure, such as in the case of confidential documents.

Corrections to Exhibits

Generally, corrections to an exhibit should be made in advance and not orally from the witness stand. Corrections should be made in a timely manner by providing new exhibit pages on which corrections appear. The original text to be deleted should be lined out with the substitute or added text shown above or inserted. Each correction page should be marked with the word "revised" and the revision date.

Exhibit corrections will receive the same number as the original exhibit plus a letter to identify the correction. Corrections of exhibits with multiple sponsors will also be identified by chapter number. For example, Exhibit 5-3-B is the second correction made to Chapter 3 of Exhibit 5.

R.06-02-012 AES/jt2

End of Appendix A

CERTIFICATE OF SERVICE

I certify that I have this day served a true copy of the original attached Administrative Law Judge's Ruling Setting Schedule for Limited Evidentiary Hearing on all parties of record on the service list for this proceeding or their attorneys of record.

Dated April 20, 2006, at San Francisco, California.

/s/ JOYCE TOM

Joyce Tom

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

The Commission's policy is to schedule hearings (meetings, workshops, etc.) in locations that are accessible to people with disabilities. To verify that a particular location is accessible, call: Calendar Clerk (415) 703-1203.

If specialized accommodations for the disabled are needed, e.g., sign language interpreters, those making the arrangements must call the Public Advisor at (415) 703-2074, TTY 1-866-836-7825 or (415) 703-5282 at least three working days in advance of the event.